

Scrutiny Standing Panel Agenda



Housing Scrutiny Standing Panel Thursday, 27th January, 2011

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 5.30 pm

Democratic Services Officer: Mark Jenkins (The Office of the Chief Executive)
Tel: 01992 564607 Email: mjenkins@eppingforestdc.gov.uk

Members:

Councillors S Murray (Chairman), Mrs R Gadsby (Vice-Chairman), R Barrett, D Dodeja, Mrs A Grigg, Ms J Hart, Ms J Hedges, Mrs S Jones, Mrs J Lea, L Leonard, A Lion and Mrs J H Whitehouse

Epping Forest Tenants & Leaseholders Federation: Mrs M Carter

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

3. DECLARATION OF INTERESTS

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting

purely for the purpose of answering questions or providing information on such a matter.

4. TERMS OF REFERENCE / WORK PROGRAMME (Pages 3 - 10)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

5. HOUSING SERVICE STRATEGIES ON TENANT PARTICIPATION AND RENT ARREARS (Pages 11 - 22)

(Director of Housing) To consider the attached report.

6. COUNCIL RENT INCREASE 2011/12 BRIEFING (Pages 23 - 44)

(Director of Housing) To consider the attached report.

7. REVIEW OF PARKING ENFORCEMENT MEASURES ON HOUSING ESTATES (Pages 45 - 50)

(Director of Housing) To consider the attached report.

8. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

9. FUTURE MEETINGS

The next meeting of the Panel will be on 24 March 2011 at 5.30p.m. in Committee Room 1.

TERMS OF REFERENCE - STANDING PANEL

Title: Housing

Status: Standing Panel

Terms of Reference:

(1) To undertake reviews of public and private sector housing policies on behalf of the Overview and Scrutiny Committee, Housing Portfolio Holder or Head of Housing Services and to make any recommendations arising from such reviews to the Housing Portfolio Holder or Cabinet as appropriate.

(2) To undertake specific projects related to public and private sector housing issues, as directed by the Overview and Scrutiny Committee, and to make any recommendations arising from such reviews to the Housing Portfolio Holder or Cabinet as appropriate.

(3) To consider and provide comments to the Housing Portfolio Holder on the following matters, prior to consideration by the Cabinet:

- (i) Draft Housing Strategy (to be adopted by full Council in accordance with the Council's Constitution)
- (ii) Draft Private Sector Housing Strategy
- (iii) Draft Private Sector Housing Grants Policy
- (iv) Annual Review of the Housing Allocations Scheme

(4) To consider and provide comments to the Housing Portfolio Holder on draft versions of the following documents:

- (i) Housing Revenue Account (HRA) Business Plan
- (ii) Local Supporting People Strategy
- (iii) Housing Service Strategies

(5) To undertake the Annual Ethnic Monitoring Review of Housing Applicants and Housing Allocations, in accordance with the Code of Practice in Rented Housing.

(6) To monitor progress with the actions plans contained in the following documents, on a six-monthly basis:

- (i) Housing Strategy
- (ii) Local Supporting People Strategy
- (iii) Private Sector Housing Strategy
- (iv) Housing Services Development Plan

(7) To consider the Housing Portfolio Holder's draft response to any consultation papers relating to public or private sector housing that the Housing Portfolio Holder considers warrants a response from the Council.

(8) In relation to Traveller issues to consider and monitor:

- (a) the position regarding tolerated sites and;
- (b) the management of travellers who enter onto land within the district with a view to unauthorised encampments, with particular reference to the legal remedies available, interactions with other agencies such as Essex Police and Essex County

Council and the provision of emergency and/or transit sites within the district;

(c) Government's guidance on the needs of travellers in the context of the Council's review of its District Local Plan and the Essex Housing Needs Assessment;

(d) the results of the Commission for Racial Equality's study on traveller issues in which this Council participated, once published;

(9) To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

Chairman: Cllr Stephen Murray

Housing Scrutiny Standing Panel – 2010/2011

Item	Report Deadline / Priority	Scheduled Date	Progress / Comments	Programme of Future Meetings
(1) Revised Date for meeting scheduled for 28 April 2011	Low	July 2010	Completed - 29 th July 2010	29 July 2010 28 October 2010 11 January 2011 27 January 2011; and 24 March 2011
(2) Presentation on Homelessness Prevention	Low	July 2010	Completed - 29 th July 2010	
(3) Annual Ethnic Monitoring Review of Housing Applicants	High	July 2010	Completed - 29 th July 2010	
(4) Review of Housing Performance Indicators	Low	July 2010	Completed - 29 th July 2010	
(5) Continuous Housing Improvement Strategy	High	July 2010	No longer required – due to the Government’s changes to its approach to housing regulation – Delete from Work Programme	
(6) Value for Money Strategy in the Provision of Housing Services	High	July 2010	No longer required – due to the Government’s changes to its approach to housing regulation – Delete from Work Programme	
(7) Annual Review of the Housing Allocations Scheme	High	July 2010	Completed - 29 th July 2010	
(8) Housing Service Strategy on Information (Review and update)	Medium	July 2010	Completed - 28 th October 2010	
(9) Housing Service Strategy on the Private Rented Sector (Review and update)	Medium	July 2010	Completed - 29 th July 2010	

(10) Housing Service Strategy on Empty Properties (Review and update)	Medium	July 2010	Scheduled for this meeting – but may have to be deferred to 24 March 2011 meeting due to other commitments
(11) Housing Service Strategy on Tenant Participation (Review and update)	Medium	July 2010	On agenda for this meeting.
(12) Tenant Participation Impact Assessment	High	July 2010	Completed - 29 th July 2010
(13) 12 Month Progress Report on Housing Strategy Action Plan 2009/10	Low	July 2010	Completed - 29 th July 2010
(14) Housing Strategy Action Plan 2010/11	High	July 2010	Completed - 29 th July 2010
(15) Review of Housing Service Standards	High	July 2010	Completed - 29 th July 2010
(16) Six-monthly Progress Report on the Housing Regulatory Framework Action Plan	Low	October 2010	Completed - 28 th October 2010
(17) Six-monthly Progress Report on Housing Business Plan Action Plan	Low	October 2010	Completed - 28 th October 2010
(18) Homelessness Strategy – Action Plan Progress Report	Low	October 2010	Completed - 28 th October 2010

(19) Housing Service Strategy on Rent Arrears (Review and update)	Medium	October 2010	On agenda for this meeting
(20) Housing Service Strategy on Anti-social Behaviour (Review and update)	Medium	October 2010	Completed - 28th October 2010
(21) Housing Service Strategy on Energy Efficiency (Review and update)	Medium	October 2010	Completed - 28th October 2010
(22) Review of parking enforcement on housing estates	Medium	January 2011	On agenda for this meeting
(23) Briefing on the proposed Council rent increase for 2010/11	Low	January 2011	On agenda for this meeting.
(24) 12-monthly Progress report on Housing Business Plan Action Plan	Low	March 2011	Not yet required
(25) Six-monthly Progress report on Housing Strategy Action Plan 2010/11	Low	March 2011	Not yet required
(26) HRA Business Plan 2011/12	High	March 2011	Not yet required
(27) Annual Report on the HomeOption Choice Based Lettings Scheme	Low	March 2011	Not yet required

(28) HouseMark Benchmarking Report on Value for Money of Housing Services	Medium	March 2011	Not yet required	
Items added after the original Work Programme was agreed				
(29) Housing Customer Perspective Programme – Action Plan and Progress Report	Low	July 2010	Completed - 29th July 2010	
(30) Tenant Satisfaction Surveys 2009/10 – Comparisons with other stock-retained councils	Low	July 2010	Completed - 29th July 2010	
(31) Review of Proposed Licence Conditions for Park Homes - Referred by the Overview and Scrutiny Committee to a Special Meeting of the Housing Scrutiny Panel	High	September 2010	Completed – 8th September 2010	
(32) Pre-scrutiny of report to Cabinet on the likely cessation of Government funding for the Homelessness Prevention Service, and the future of the Service	High	October 2010	Completed - 28th October 2010	
(33) Presentation on Proposed New National Housing Policies and Legislation	Medium	January 2011	Completed - 11th January 2011	

(34) Council's response to CLG Consultation Paper on <i>"Local decisions: a fairer future for social housing"</i>	Medium	January 2011	Completed - 11 th January 2011	
(35) Presentation on the key terms of appointment for the Private Repairs Management Contractor	High	March 2011	Scheduled for 24 March 2011 meeting - as agreed at 11 th January 2011 meeting	

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Report to Housing Scrutiny Panel

Date of meeting: 27th January 2011

Portfolio: Housing – Councillor D. Stallan

Subject: Housing Service Strategies on Tenant Participation and Rent Arrears.

**Officer contact for further information:
Sandy Lindsay extension 4035**

Committee Secretary: Mark Jenkins extension 4607



Recommendations/Decisions Required:

That the Housing Scrutiny Panel considers and endorses the Housing Service Strategies on Tenant Participation and Rent arrears attached as an appendices, and provides any comments to the Housing Portfolio Holder for incorporation.

Report:

1. The Housing Service Strategies were originally produced around 12 years ago in accordance with an agreed standard framework, and have since been updated. The Strategies give more detail than the Council's main Housing Strategy on the various housing services provided. In total, 17 Housing Service Strategies have been produced to date, covering:

Equality and Diversity	House Sales & Leasehold Services
Rent Arrears	Rent Collection and Administration
Homelessness	Under-occupation
Housing Information	Tenant Participation
Private Rented Sector	Housing Management Services
Older Peoples' Housing Services	Housing Allocations
Housing Advice	Empty Properties
Energy Efficiency	Anti-Social Behaviour
Harassment	

2. The Strategies are produced to a common format that set out how individual housing services will be delivered. They have assisted Housing Services in achieving the Charter Mark award for customer service excellence, ISO 9001:2008 Quality Accreditation.

3. The Housing Scrutiny Panel is asked to consider and endorse the updated Housing Service Strategies on Tenant Participation and Rent arrears attached as appendices to the report and provide any comments to the Housing Portfolio Holder for incorporation.

Reason for decision:

The Housing Scrutiny Panel reviews all Housing Service Strategies on a three-yearly basis. They have assisted the Housing Directorate in achieving the for Customer Service Excellence Award ISO 9001:2008 Quality Accreditation, and have been important to meeting the minimum requirement for Supporting People funding under the conditions of the contract.

Options considered and rejected:

Not to review the Housing Service Strategies.

Consultation undertaken:

The Tenants and Leaseholders Federation were consulted on the Strategies at their meeting on 23rd November 2010 and 12 January 2011 their comments have been taken into account.

Resource implications:

Budget provision: N/A

Personnel: N/A

Land: N/A

Community Plan/BVPP reference: N/A

Relevant statutory powers: As set out in Section 6 of each of the Strategy.

Background papers: N/A

Environmental/Human Rights Act/Crime and Disorder Act Implications: N/A

Key Decision reference: No

1. Introduction

1.1 This Housing Directorate Strategy relates to the Council's approach to tenant participation, and how tenant participation will be delivered. This is an essential part of the Council's housing service since the main recipients of the service are the tenants themselves. The Council aims to provide housing services that are effective, relevant and responsive to tenants' needs. It is beneficial, therefore, if tenants are informed and consulted on the provision of the service.

1.2 Tenant Participation will, in the main, be undertaken by Housing Directorate on behalf of the Council. However, the Council will seek the support of the Epping Forest District Tenants and Leaseholders Federation (see paragraph 1.3) and recognised tenants associations to help with tenant participation. Where appropriate, the Council will also seek the assistance of other Directorates and appropriate contractors and consultants, especially those specialising in tenant participation.

1.3 The Epping Forest District Tenants and Leaseholders Federation is a democratic organisation, recognised by the Council. It includes up to two representatives from each recognised tenants association and may include other co-opted members at the discretion of the Council and the Federation. The Federation represents the views of the tenants associations and acts as a consultative body for the Council on a range of housing issues. It has an Executive Committee to co-ordinate its activities.

1.4 Although this Service Strategy refers to "tenants", this includes the Council's leaseholders.

1.5 This Housing Directorate Strategy was formulated in consultation with representatives of the Tenants and Leaseholders Federation and was approved by the Housing Portfolio Holder on ** *****.

2. Background to the Service

2.1 The Council's Tenant Participation Service embraces all of the housing services that the Council provides to its tenants. The Council has a good track record of consulting with tenants and keeping them informed of issues that are important and of interest to them. However, the Council will continue to strive to improve its approach on a continuous basis.

2.2 The Council has around 6,500 tenanted properties and over 900 leasehold properties. As at March 2010, there were 7 recognised tenants associations operating within the District, namely: Debden Tenants Panel (Loughton), Limes Farm Community Association (Chigwell), Ninefields Residents Panel (Waltham Abbey), Oakwood Hill Estate Residents Association (Loughton), Romeland Residents Association (Waltham Abbey), Roundhills Residents Association (Waltham Abbey) and Shelley Residents Association (Ongar). Residents of the District's sheltered schemes are represented by the Sheltered Housing Forum. The Leaseholders Association represents the Council's leaseholders. Tenants in the Council's outlying parishes are represented by the Rural Tenants Forum. A Repairs and Maintenance Customer Focus Group has been established to discuss the Council's Repairs and Maintenance service.

2.3 The Council appointed a dedicated full time Tenant Participation Officer (TPO) in April 2000. The TPO is based within the Housing Resources Section of the Housing Directorate,

reporting to the Principal Housing Officer (Information/Strategy). However, the importance attached to tenant participation by the Council is illustrated by the fact that the Director of Housing is responsible for the Council's overall strategy on tenant participation.

3. Coverage

3.1 This Housing Directorate Strategy covers the Council's;

- a) commitment to tenant participation;
- b) general approach to providing information to tenants;
- c) general approach to tenant participation;
- d) approach to developing and supporting recognised tenant associations;
- e) plans for the development of tenant participation for the three year period 1st April 2010 - 31st March 2013;
- f) general approach to the operation of the Tenants and Leaseholders Federation;
- g) plans to assist with the development of the Tenants and Leaseholders Federation;
- h) Tenant Participation Agreement with the Tenants and Leaseholders Federation;
- i) arrangements for monitoring its approach to tenant participation; and
- j) commitment to involving 'seldom heard' groups in the tenant participation process.

4. Relationships with other documents

4.1 This Service Strategy forms part of the Council's overall Housing Strategy, which is set out in the Council's Housing Strategy 2009-2012.

4.2 The Council has adopted its Housing Charter, which sets out, in simple, clear and precise terms the Council's general approach to all of its housing services.

4.3 The Housing Revenue Account (HRA) Business Plan is published annually and sets out priorities and objectives for Housing Services, including Tenant and Leaseholder Participation and Consultation.

4.4 In March 2005, the Government published its National Framework for Tenant Participation Compacts which sets out the minimum standards that the Government expects local authorities to adopt in undertaking tenant participation. This Housing Directorate Strategy, and the Epping Forest Tenant Participation Agreement, complies with the National Framework. The Council and the Tenants and Leaseholders Federation believe that the term "Agreement" is more familiar to tenants than "Compact" and has therefore adopted this title.

4.5 In March 2000, the Council and the Epping Forest District Tenants Forum formulated, approved and signed the first Epping Forest Tenant Participation Agreement. Following the establishment of the present Epping Forest District Tenants and Leaseholders Federation, the Agreement was reviewed and updated in 2002, 2005 and again in 2008. It sets out the intentions of the Council and the Tenants and Leaseholders Federation in the approach they will take to;

- a) the provision of information to tenants and to tenant participation generally;
- b) the operation of the Tenants and Leaseholders Federation;
- c) the development of tenant participation generally; and
- d) reviewing the Agreement.

4.6 In 2010, the Tenant Services Authority (TSA) introduced its New Regulatory Framework for Social Housing in England which sets out the standards it expects from social housing providers in England in the provision of housing services, and how it will regulate these standards. In accordance with the Framework, the Council has produced a Tenant Participation Impact Statement setting out how Tenant Participation is organised, how

residents influence on policy and procedures, diversity and equality issues, value for money and an action plan for continuous improvement. .

4.7 The Housing Directorate's Annual Report to Tenants sets out how the Housing Directorate has performed over the past twelve months. The Annual Report includes a statement from the Chair of the Tenants and Leaseholder's Federation, the Council's key achievements in the last year, how we are meeting the National Standards, our performance and how we are involving and empowering our tenants.

5. Aim & Objectives

5.1 The aim of the Council's Housing Directorate Strategy on Tenant Participation is:

"To enable the Council's tenants and leaseholders to participate in the delivery of their housing service through the receipt of good quality information, adequate and appropriate consultation on relevant housing issues and opportunities to provide feedback to the Council in accordance with the Epping Forest Tenant Participation Agreement".

5.2 This aim will be met by;

- a) complying with the commitments set out in the Epping Forest Tenant Participation Agreement;
- b) providing information to tenants that is timely, in plain language, expressed clearly, of good quality and tailored to both the general and individual needs of tenants;
- c) recognising the special needs of certain tenants and responding positively to those needs;
- d) consulting tenants on housing issues that are important to them, in the most appropriate way, which will be different depending on the issue concerned;
- e) obtaining feedback from tenants, in a variety of ways, on the Council's performance in the delivery of housing services;
- f) responding to complaints in an effective manner and correcting failings in service delivery;
- g) encouraging, supporting and developing tenants associations;
- h) keeping the Council's tenant participation structure under review;
- i) encouraging, supporting, consulting and developing the Epping Forest District Tenants and Leaseholders Federation, and working in partnership with the Federation to maximise the benefits that can be achieved from tenant participation to improve the delivery of housing services;
- j) ensuring that appropriate training is made available for tenants and Council officers and members;
- k) responding to and complying with the Government's Resident Involvement Key Lines of Enquiry (KLOES), which set out the approach landlords are expected to take to specific areas of Tenant Participation;
- l) agreeing service standards and local 'offers' with tenants as set out in the Tenants Services Authority's New Regulatory Framework for Social Housing;
- m) Reporting to the Tenants & Leaseholders Federation on a set of tenant selected performance indicators a quarterly basis;
- n) ensuring that appropriate funding is made available to support and develop tenant participation;
- o) carrying out increased tenant 'profiling' to enhance the service to meet the needs of the diverse community; and
- p) monitoring and reviewing the Council's approach to tenant participation.

6. Statutory requirements

6.1 Generally, most issues relating to tenant participation are not statutory, but are

nevertheless good practice. However, there are some relevant statutory requirements, as follows:

a) *Housing Act 1985:*

- Provision of information about tenancies (*Section 104*)
- Consultation on matters of housing management (*Section 105*)
- Information about housing allocation (*Section 106*)
- Consultation before disposal to a private landlord (*Section 106A*)

b) *Local Government Act 1999:*

- Consultation on the way in which local authorities fulfil their duties to secure best value (*Section 3*)
- Consultation on the undertaking of service reviews (*Section 5*)
- Inclusion of a Consultation Statement within the Best Value Performance Plan, commenting on the forms and types of consultation carried out over the previous year, the numbers and types of groups, bodies and individuals involved and an analysis of the results (*Section 6*)

7. Client Consultation, Information & Involvement

7.1 The way in which tenants will be consulted, informed and involved is set out in:

- a) The Epping Forest Tenant Participation Agreement
- b) The Tenant Participation Impact Statement; and
- c) The Annual Report to Tenants.

8. General Principles

8.1 The detailed general approach that the Council will take on Tenant Participation is set out in Sections 6, 7 and 9 of the Epping Forest Tenant Participation Agreement.

9. Future Developments

9.1 The following 'Swot' analysis identifies the strengths, weaknesses, opportunities and threats for the areas covered by this Strategy.

<p>Strengths</p> <ul style="list-style-type: none"> ○ Knowledgeable and committed staff ○ Customer Service Excellence Award ○ All, tenants, leaseholders and applicants receive up to date news and housing information via a dedicated section of a district-wide tenants newsletter ○ All tenants receive a Tenants Handbook, which includes a section on Tenant Participation ○ Information about Tenant Participation available on-line ○ Regular progress meetings held between Tenant Participation Officer, Section Managers and Service Heads. ○ Partnership working with EFDC Community Development Team ○ Good working relationship between staff and tenants/leaseholders ○ Partnership working with other local Housing providers through the East of England Resident Involvement Group ○ Compliance with the new Regulatory Framework 	<p>Weaknesses</p> <ul style="list-style-type: none"> ○ Lack of tenant profiling to enable service to be tailored to tenants needs ○ Lack of resources to carry out more tenant profiling and increase participation ○ Limited scope for development of Housing Section of EFDC website ○ Reluctance in some areas of tenants to participate
<p>Opportunities</p> <ul style="list-style-type: none"> ○ More consultation through development of a 'Talkback' panel ○ Greater use of ICT systems, particularly the Council's website ○ Use of other new technology as appropriate ○ Develop partnership working with outside organisations ○ Enhance profile of Tenant Participation in conjunction with Tenants & Leaseholders Federation and recognised residents associations ○ Develop tenant profiling to enable services to be tailored accordingly 	<p>Threats</p> <ul style="list-style-type: none"> ○ Major changes in legislation ○ Transfer of Housing Stock ○ Financial restrictions

10. Action Plans

Action	Lead officer	Timescale	Resource Implications
Undertake a survey of all tenants and leaseholders to collect and record details of their diversity profile	Chris Sobey/ Richard Jones	Dependent on resources	Extra resources required to undertake local profiling
Introduction and implementation of Local Housing 'Offers' as set out in the Tenant Services Authority New Regulatory Framework for Social Housing in England	Alan Hall	October 2010 Please update this action	Within existing resources
Set up regular training sessions for members of residents associations using internal and external training resources	Richard Jones	Ongoing	Within existing resources
Inform all new leaseholders about the Leaseholders Association	Richard Jones	Ongoing	Within existing resources
Increase membership of Talkback Panel to provide qualitative feedback on the following housing services: <ul style="list-style-type: none"> • Disabilities • Allocations • Information • 	Richard Jones	As and when required	Within Existing Resources
Carry out surveys as required as part of Resident Involvement KLOE	Richard Jones/Chris Sobey	As required	Within existing resources
Update Local Tenant Participation Agreements	Richard Jones	Annually	Within existing resources

Action	Lead officer	Timescale	Resource Implications
Update Epping Forest District-wide Tenant Participation Agreement	Richard Jones	June 2011	Within existing resources
Administer the provision of support grants for recognised residents groups	Richard Jones	Annually	Within existing resources. £50 - £250 per association
Administer the provision of minor estate enhancement grants for recognised residents groups	Richard Jones	Annually	Within existing resources. £50 - £500 per association
Set up Estate Level Agreements in areas not represented by residents associations to increase participation and improve services	Richard Jones	Dependent on resources	Increase in resources required
Establish, through recruitment and training, a group of EFDC tenants to undertake future 'mystery shopping of the Council's housing services	Richard Jones	March 2011	Within existing resources

11. Resourcing the Strategy

11.1 The Council has a specific budget of £80,370 within its Housing Revenue Account in respect of tenant participation initiatives in 2010/11 (This figure includes the costs of staffing and support services)

Employees	£54,190
Transport	£1,100
Premises	£500
Supplies and Services	£12,000
Support Services	£12,580
Total	£80,370

The tenant participation budget in 2010/11 and 2011/12 will fund:

- a) a full time dedicated Tenant Participation Officer;
- b) a dedicated budget of at least £80,370 per annum, including up to £6,000 per annum in grants to recognised residents associations;

11.2 In addition, other existing housing budgets will be used to fund associated tenant participation activities and issues (eg "Housing News", photocopying and printing etc).

11.3 The current and projected staff resources for tenant participation are as follows:

	Staff Resource Projections			
	2010/11	2011/12	2012/13	2013/14
Av no. staff to provide service (FTE p/a)	1.24	1.24	1.24	1.24

10.4 As a guide, the proposed breakdown of staff resources for tenant participation in 2010/11 is as follows:

Staff Resource Breakdown – 2010/11	
Post(s)	FTE
Director of Housing	0.01
Asst Directors of Housing	0.07
Housing Resources Manager	0.05
Principal Housing Officer (Strategy/Info)	0.1
Tenant Participation Officer	0.9
Other staff	0.11
Total	1.24

12. Key Targets & Performance Monitoring

12.1 The Council's key targets for performance on tenant participation are as follows:

Key Targets & Performance					
Performance Indicator	2009/10	2010/11	2011/12	2012/13	2013/14
	(Actual)	(Act/Est)	(Target)	(Target)	(Target)
Funding for Tenant Participation, including grants to Residents Association	£81,880	£80,370	£80,370	£80,370	£80,370
No. of recognised tenants associations in District	7	7	7	7	7
% of tenants very/fairly satisfied with opportunities for participation in management and decision making on housing	70	70	70	70	70

services (<i>Best value Performance Indicator</i>)					
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12.2 The Council will monitor the performance of this Housing Directorate Strategy as set out in Section 13 of the Epping Forest Tenant Participation Agreement.

13. Reviewing the Strategy

13.1 The Epping Forest Tenant Participation Agreement will be reviewed around May 2011 and re-negotiated with the Epping Forest District Tenants and Leaseholders Federation with effect from the 1st November 2011.

13.2 This Housing Directorate Strategy will be reviewed in consultation with the Tenants and Leaseholders Federation no later than November 2012 for renewal in April 2013. However, an earlier review will be undertaken if required, especially in the light of the review and monitoring of the Epping Forest Tenant Participation Agreement.

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Report to Housing Scrutiny Panel

Date of meeting: 27 January 2011

Portfolio: Housing – Cllr D. Stallan

Subject: Council Rent Increase 2011/12 - Briefing

Officer contact for further information:

Alan Hall – Director of Housing (01992 564004)

Committee Secretary: Mark Jenkins



Recommendations/Decisions Required:

That the proposed recommendation to the Cabinet on the Council Rent Increase for 2011/12 be noted.

Report:

1. At its meeting scheduled for 17th January 2010 the joint meeting of the Finance and Performance Cabinet Committee and Scrutiny Panel is due to make a recommendation to the Cabinet on the proposed Council Rent Increase for 2011/12.
2. In previous years, the Housing Scrutiny Panel has requested a briefing on the proposed rent increase for the following year. The Director of Housing will therefore give an oral briefing on the proposed rent increase for 2011/12 at the meeting.
3. Attached as an Appendix is the summary of the HRA Budget Report, due to be presented to the joint meeting of the Finance and Performance Cabinet Committee and Scrutiny Panel, for background information.

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**HOUSING DIRECTORATE
HOUSING REVENUE ACCOUNT
ESTIMATES 2011/12**

HOUSING REVENUE ACCOUNT ESTIMATES 2011/12

Introduction

The Housing Revenue Account (HRA) has been prepared in accordance with the Local Government and Housing Act 1989, as amended by the Leasehold Reform, Housing and Urban Development Act 1993 and the Local Government Act 2003. Under this legislation the Secretary of State for the Department of Communities and Local Government (CLG) has the power to issue directives in respect of appropriate income and expenditure items and the calculation of central government subsidy entitlement. The 2011/12 budget conforms to the draft Housing Subsidy Determination, which was issued on 5 November 2010.

The balance at 31 March 2012 is expected to be £5.4m, after a deficit of £83,000 in 2010/11 and a deficit of £621,000 in 2011/12. The major influences on these figures have been the increase in HRA Subsidy Payable from £10.052m in 2010/11 to £11.428m in 2011/12, a reduction in non dwelling rents from the transfer of the commercial properties to the general fund £1.1m, these have been offset by an increase in Council rents income of £1.7m.

The Government has announced their intention to replace the existing HRA subsidy system where councils are required to pay their notional HRA surplus as determined by the subsidy settlement to Whitehall who decide how best to redistribute it. The centralised system will be replaced with one where councils keep all rents in exchange for an allocation of housing debt. They expect to implement the reformed system through powers in the Localism Bill. Subject to Parliamentary approval these changes will begin in April 2012.

Five Year Forecast

An updated five year forecast to the year 2015/16 will be produced once the Government has announced the details on the new housing finance reform.

Supervision, Management and Maintenance

Overall expenditure in 2010/11 has increased by 0.08% (£12,000) in the probable outturn compared to original estimates. In 2011/12 the costs have decreased by 7.17% (£1.02m) on the original 2010/11. The reduction relates to the contribution to the repairs fund reducing by 7.14% (£0.4m), the cost of the commercial properties being taken out of the estimates 8.8% (£0.4m) and a pay freeze in 2010/11 where the budget had assumed a 2.5% increase, resulting in a saving of £0.1m.

Supporting People (Housing Counselling and Support)

The Supporting People grant is paid by Essex County Council to fund the cost of support to tenants in sheltered housing who are in receipt of benefit. The actual uplift has yet to be agreed by the County Council but has been assumed at nil for the purposes of the budget.

Housing Repairs Fund

The Housing Repairs Fund balance as at 1 April 2010 is £4.157m, and is estimated to be reduced down to £0.427m by the end of 2015/16. This is based on a contribution being set at £5.6m for 2010/11 and is reduced in 2011/12 to £5.2m. Indications are that this will remain at £5.2m per year from 2012/13 onwards, as this should be sufficient to meet expected expenditure.

Major Repairs Reserve

The Major Repairs Reserve balance as at 1 April 2010 is £5.730m, and is estimated to be slightly increased to £5.867m by the end of 2011/12.

Capital Expenditure

Capital expenditure charged to revenue is based on the latest predictions of availability of funds to finance the capital programme. The 2010/11 contribution to the programme will remain at £1.763m and this will increase to £2.05m in 2011/12 and beyond.

Works Unit

The housing works unit carries out a significant proportion of the repairs required to the Council's stock. The total cost of the unit is recharged to either the Housing Repairs Fund or (for capital projects) to the HRA Capital Programme.

Housing Subsidy

The Council's Housing Subsidy has been negative for a number of years. Under the current rules, this sum has to be paid over to the CLG. The estimates for 2011/12 have been drawn up in accordance with the draft Housing Subsidy Determination for 2011/12.

Proposed Rent Increase

From 2003/04 rents were set with reference to a new formula based on property values, number of bedrooms and local earnings. The scheme is referred to as rent restructuring, and its intention is to ensure that rents for broadly similar properties should be the same, regardless of whether the landlord is the local authority or a registered social landlord.

The rent for each property moves in equal steps towards its target rent up to 2015/16. This progression is limited by a maximum increase or decrease of £2 per week over inflation plus 0.5%, and is subject also to a predetermined maximum rent (cap) for each size of property. It was acknowledged that some rents would not reach their target rent by 2016 because of the £2 limit but none will be constrained by the cap. Any rents not reaching the target by 2016 would continue to move until such time as they did reach their target.

The Housing Subsidy determination for 2011/12 proposes to move the convergence date to 2015/16 from 2013/14 when the 2010/11 determination was issued.

The proposed average rent increase for 2011/12 is 7.2% (£5.51), which gives an average rent for 2011/12 of £87.67.

Interest on Receipts and Balances

The HRA interest income has fallen further during 2010/11 as the bank rate has remained at 0.5% since March 2009. The increase in income for 2011/12 is largely due to the transfer of the commercial properties from the HRA to the General Fund, resulting in the HRA receiving additional receipts from the General Fund.

**HOUSING DIRECTORATE
HOUSING REVENUE ACCOUNT SUMMARY**

2009/10	2010/11			2011/12
Actual £000's	Original Estimate £000's	Probable Outturn £000's		Original Estimate £000's
			EXPENDITURE	
4,071	4,435	4,512	Supervision & Management General	3,940
3,334	3,804	3,731	Supervision & Management Special	3,670
413	431	439	Rents, Rates Taxes & Insurances	437
5,600	5,600	5,600	Contribution to Repairs Fund	5,200
13,418	14,270	14,282	MANAGEMENT & MAINTENANCE	13,247
7,776	8,011	8,706	Depreciation	8,904
40	41	45	Treasury Management Expenses	47
9,751	10,052	9,726	HRA Subsidy Payable	11,428
72	55	83	Provision for Bad/Doubtful Debts	83
31,057	32,429	32,842		33,709
			INCOME	
25,145	25,791	25,644	Gross Rent of Dwellings	27,502
2,444	2,606	2,649	Non Dwellings Rent	930
1,934	1,928	1,729	Charges for Services & Facilities	1,715
292	314	319	Contribution from General Fund	335
29,815	30,639	30,341		30,482
1,242	1,790	2,501	NET COST OF SERVICES	3,227

**HOUSING DIRECTORATE
HOUSING REVENUE ACCOUNT SUMMARY**

2009/10		2010/11			2011/12
<i>Actual</i>	<i>Original</i>	<i>Probable</i>			<i>Original</i>
<i>£000's</i>	<i>Estimate</i>	<i>Outturn</i>			<i>Estimate</i>
	<i>£000's</i>	<i>£000's</i>			<i>£000's</i>
1,242	1,789	2,501	NET COST OF SERVICES		3,227
(755)	(537)	(485)	Interest on Receipts and Balances		(788)
(3,032)	(3,167)	(3,862)	Transfer from MRR		(3,955)
		(43)	Reversal of DLO depreciation		(43)
1,034	723	852	Pensions Interest Payable/Return on Assets		852
<u>(1,511)</u>	<u>(1,192)</u>	<u>(1,037)</u>	NET OPERATING INCOME		<u>(707)</u>
			APPROPRIATIONS		
2,145	1,763	1,763	Capital Exp. Charged to Revenue		2,050
(639)	(614)	(775)	FRS 17 Adjustment		(772)
29	50	50	Transfer to Capital Reserves		50
0	0	82	Transfer to Pension Deficit Reserve		0
(32)	0	0	Leave Accruals		0
<u>1,503</u>	<u>1,199</u>	<u>1,120</u>			<u>1,328</u>
<u>(8)</u>	<u>7</u>	<u>83</u>	(SURPLUS)/DEFICIT FOR YEAR		<u>621</u>
6,081	6,056	6,089	BALANCE BROUGHT FORWARD		6,006
(8)	7	83	(SURPLUS)/DEFICIT FOR YEAR		621
<u>6,089</u>	<u>6,049</u>	<u>6,006</u>	BALANCE CARRIED FORWARD		<u>5,385</u>

**HOUSING DIRECTORATE
HOUSING REPAIRS FUND SUMMARY**

2009/10	2010/11			2011/12
Actual	Original	Probable		Original
£000's	Estimate	Outturn		Estimate
	£000's	£000's		£000's
			EXPENDITURE	
3,187	3,147	3,123	Responsive and Void Repairs	3,121
2,194	2,390	2,390	Planned & Cyclical Maintenance	2,390
97	182	190	Other items	131
5,478	5,719	5,703	TOTAL EXPENDITURE	5,642
(5,600)	(5,600)	(5,600)	CONTRIBUTION FROM HRA	(5,200)
(122)	119	103	(SURPLUS)/DEFICIT FOR YEAR	442
4,035	4,267	4,157	BALANCE BROUGHT FORWARD	4,054
(122)	119	103	(SURPLUS)/DEFICIT FOR YEAR	442
4,157	4,148	4,054	BALANCE CARRIED FORWARD	3,612

**HOUSING DIRECTORATE
MAJOR REPAIRS RESERVE SUMMARY**

2009/10	2010/11			2011/12
Actual	Original	Probable		Original
£000's	Estimate	Outturn		Estimate
	£000's	£000's		£000's
			EXPENDITURE	
5,967	5,143	4,783	CAPITAL EXPENDITURE	4,873
2,998	3,167	3,862	TRANSFERRED TO HRA	3,955
8,965	8,310	8,645	TOTAL EXPENDITURE	8,828
(9,313)	(8,011)	(8,706)	DEPRECIATION	(8,904)
(348)	299	(61)	(SURPLUS)/DEFICIT FOR YEAR	(76)
6,919	5,194	5,730	BALANCE BROUGHT FORWARD	5,791
1,189	299	(61)	(SURPLUS)/DEFICIT FOR YEAR	(76)
5,730	4,895	5,791	BALANCE CARRIED FORWARD	5,867

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1. Introduction

- 1.1 This Housing Directorate Strategy relates to the Council's approach to the recovery of rent arrears. The control of rent arrears is viewed by Housing as one of the key elements of its performance. This Strategy sets out how this element of the service is delivered, (in accordance with the County Court's Rent Arrears Pre-action Protocol), including the methods used for preventing and reducing arrears and for notifying tenants at an early stage.
- 1.2 Comprehensive systems are in place and are detailed later in the Strategy. The efficiency of these systems are confirmed by Housing being accredited with both the international quality standard of ISO 9001:2008 and the Customer Service Excellence award, for all of its services including rent arrears recovery.
- 1.3 Tenants are given ample opportunity to make arrangements for payment and are given advice on how to manage their debt. However, when all remedies have failed, the Council will not hesitate to take Bailiff or Court action in appropriate cases and to seek to gain possession of the property.
- 1.4 This Rent Arrears Strategy has been formulated in consultation with representatives of the Epping Forest District Tenants and Leaseholders Federation. The Strategy was considered and endorsed by the Council's Housing Scrutiny Panel on 27 January 2011 and approved by the Housing Portfolio Holder on 6 February 2011.

2. Background to Arrears Recovery

- 2.1 Housing views the control of current and former rent arrears as a key element of its performance, and will have a firm but fair approach to its tenants on this issue.
- 2.2 Rent arrears recovery is undertaken by staff in the two Area Housing Offices (north and south), and the Limes Farm Estate Office, which is a sub office of the Area Housing Office (south).
- 2.3 The Director of Housing chairs quarterly Customer Improvement Meetings with the appropriate Assistant Director of Housing and Managers to monitor performance on a number of areas, including the recovery of rent arrears, and to discuss policy and initiatives in order to maximise performance.
- 2.4 Area Housing Managers are responsible for the arrears performance of their Section, which they will monitor closely to ensure that all of their staff are working to the procedures.

- 2.5 Housing recognise that early identification and action in response to unpaid rent can prevent long-term difficulties for both the tenant and the Council.
- 2.6 The following table sets out the Council's past performance on rent arrears and former tenant arrears:

Rent Arrears & former tenant arrears collection				
Year	2006/07	2007/08	2008/09	2009/10
Rent arrears as a percentage of the annual debit	1.69	1.52	1.62	1.51
*Amount of former tenant arrears collected per annum	£119,000	£85,000	£60,000	£59,000

* The amount of former tenant arrears collected in 2006/2007 was unusually high due to the identification of tolerated trespasser accounts. Performance in this area is dependent upon the level of debts owed to the Council.

3. Coverage

This Housing Directorate Strategy covers the Council's;

- a) Prevention of current and former tenant rent arrears;
- b) Use of Bailiffs;
- c) Procedures for dealing with rent arrears recovery for both secure and Introductory Tenants, in accordance with the Rent Arrears Pre-action Protocol;
- d) The ways in which tenants are assisted in managing their debt;
- e) The approach taken with tenants in arrears who have special needs;
- f) The link between the Housing Directorate and the Benefits Division of Finance;
- g) Performance indicators;
- h) Review of the strategy; and
- i) Confidentiality

4. Relationships with other Documents

- 4.1 Rent arrears recovery forms part of the Council's overall Housing Strategy.
- 4.2 A booklet entitled Housing Appeals and Complaints sets out for all tenants the Council's policy in such matters.
- 4.3 The Council has a general Service Level Agreement with each of the 3 Citizens Advice Bureaux within the District.
- 4.4 The Council has adopted its Housing Charter, which sets out, in simple, clear and precise terms the Council's general approach to all its housing services. In addition, there are a number of agreed service standards which will be publicised setting out our aims in all aspects of our "interfaces" with customers.

- 4.5 Section 2 of the Council's Tenancy Agreement, states in respect of rent, and other charges:
- a) The Tenancy is a weekly periodic Tenancy commencing and ending on any Monday. The rent is payable fortnightly in advance and two weeks inclusive rent shall be payable prior to the commencement of each fortnight;
 - b) The weekly net rent and/or service/support charges (if applicable) payable fortnightly may be altered on written Notice of no less than 4 weeks being given to the Tenant by the Council specifying the rent proposed;
 - c) The tenancy is subject to any housing benefit scheme that may be in force at any given time; and
 - d) If the Tenant's rent is in arrears at any time the Council may at once serve the Tenant with a Notice of Seeking Possession and subsequently institute legal proceedings for recovery of the arrears and/or seek to regain possession of the Premises through the Court. The Council may take all other steps within the law to recover the debt outstanding.
- 4.6 The Council's Standard Tenancy Agreement was reviewed during 2002 and the new Agreement came into force on 6 January 2003.
- 4.7 The Housing Directorate has detailed Work Instructions for all of its functions and rent arrears recovery is covered by these documents, which gives important guidance to staff.
- 4.8 Literature on rents, benefits, etc. are on display at both Area Housing Offices and the Limes Farm Office, and featured from time to time in relevant publications, (Housing News etc). All tenants have received a copy of the Tenant's Handbook, which explains about all matters relating to their tenancy including rent payments and arrears. This literature is available in braille meeting the requirements of the National Royal Institute for the Blind. Large print documents can also be provided upon request.

5. Aims and Objectives

- 5.1 The aim of the Council's Housing Directorate Strategy on Rent Arrears is:
- "To keep outstanding current and former rent arrears to a minimum through an appropriate combination of preventative and remedial actions in a firm but fair manner".
- 5.2 This aim will be met by:
- a) Ensuring that current and former tenants are made aware of their rent arrears at an early stage, making every effort to ensure that tenants clear their debt;
 - b) Providing assistance, support and advice to tenants on managing their arrears and other debts;
 - c) Complying with statutory requirements as detailed in Section 6 of this Strategy;
 - d) Utilising the power of distraint in appropriate circumstances:

e) Taking action through the Courts to recover possession of properties and/or outstanding debts; and

f) Operating policies on the provision of discretionary housing services that penalise tenants who are in rent arrears.

6. Statutory Requirements

6.1 The relevant statutory requirements for recovery of rent arrears are as follows:

a) Housing Act 1985

- Notice of proceedings for possession or termination (Section 83)
- Grounds and orders for possession (Section 84)
- Variation of terms of tenancy (Section 102 & 3)
- Provision of information and consultation (Section 104)
- Consultation on matters of housing management (Section 105)
- Variation of rent (Section 102b)

b) Protection from Eviction Act 1977

- Requirement of landlord to apply to Court before regaining possession
- Any Notices served must give the tenant 28 days notice

c) Local Government Act 1972

- Valid service of Notice (Section 233)

d) Human Rights Act (Articles 6,8, and 14)

- Rights of a fair trial, respect for private family life, home and correspondence.

e) Data Protection Act 1998

- The protection and use of personal data held by the Council.

f) Civil Procedure Rules

- Rent Arrears Pre-action Protocol

g) Housing Act 1996

- Discretionary powers to operate an Introductory Tenancy Scheme for all new secure tenants

7. Client Consultation, Information & Involvement (Statutory Requirement)

7.1 The way in which tenants will be consulted, informed and involved with regard to the Council's policy on rent arrears recovery in accordance with the Housing Act 1985 is as follows:

- a) Consultation with the Epping Forest Tenants and Leaseholders Federation
- b) Information to tenants in publications e.g. Housing News, Annual Report;

- c) Posters displayed throughout the district;
- d) Quarterly liaison meetings with the Citizens Advice Bureaux;
- e) One to one consultation with tenants;
- f) Changes in policy through The Cabinet or Housing Portfolio Holder; and
- g) Consultation under Part 1V Section 102/3 of the Housing Act 1985 to amend the standard Tenancy Agreement.

8. General Principles – Rent Arrears Recovery – Secure Tenants

- 8.1 Section 5 of this Housing Directorate Strategy sets out the aims and objectives to reduce rent arrears. This Section details the general approach taken and procedures, which are in place in order to combat the problem.
- 8.2 The Council has agreed the following measures be used to combat rent arrears;
- a) Hard hitting posters are placed at appropriate locations throughout the district e.g. Information Desks, Libraries, Town Hall, CAB, etc.;
 - b) Older tenants (over 70 years of age) in arrears of rent are ineligible to apply for the internal decorations service, and the garden maintenance scheme;
- Tenants have the option to appeal to the Housing Appeals and Review Panel against any decisions made under (b).
- 8.3 Members will be encouraged to work with officers and tenants on appropriate cases to prevent arrears.
- 8.4 Press releases will be issued at appropriate times to publicise the Council's approach on rent arrears.
- 8.5 Distraint (also called "distress") will be used in appropriate cases, whereby bailiffs would be instructed by the Council to remove certain goods from the ownership of the Tenant to be sold to pay off the debt.
- 8.6 All new tenants will be visited between the first 2 - 12 weeks of their tenancy commencement date by appointment. A vital part of this visit is to explain to new tenants the importance of keeping their rent account up to date, advising them of the different methods of payment (including direct debit), housing benefit, and the penalty for failing to pay their rent on time.
- 8.7 Should new tenants be in arrears in the early stages of their tenancies, officers will check to ascertain if a housing benefit application has been received. Following the signing of a consent form, Housing Management may liaise with the Benefits Division about their claim.
- 8.8 Annual rent balance statements, showing payments made during the year and their account balance will be sent out to tenants who have an arrear or a credit of £1 or more. All tenants are notified formally of annual rent increases.
- 8.9 Tenants will be contacted as soon as it is reasonably possible after they have fallen into arrears to agree affordable sums for the tenant to pay based upon their income and expenditure.

- 8.10 Quarterly rent statements in a comprehensive format will be sent out to all tenants in arrears. In addition, when requested by the tenant, a statement will be provided from the date when the arrears first arose showing all amounts due, the dates and amount of all payments made.
- 8.11 If the Council is aware that the tenant has difficulty understanding any information, reasonable steps will be taken to ensure that the tenant understands their position. If the Council is aware that the tenant is particularly vulnerable it will ensure that the appropriate action is taken including home visits and liaison with relevant agencies.
- 8.12 If a tenant meets the appropriate criteria, the Council may arrange for arrears to be paid by the Department of Work and Pensions (DWP).
- 8.13 Rent arrears management will be a regular agenda item at each two-monthly staff Section Meetings at the Area Housing Offices. In addition, Housing has quarterly liaison meetings with the Benefits Division.
- 8.14 Area Housing Managers will set targets for each Housing Management Officer, and the Area Housing Office.
- 8.15 Tenants in arrears who have garages will be notified on a quarterly basis, explaining that the Council will serve a Notice to Quit in respect of the garage if their arrears are not cleared in full and maintained thereafter.
- 8.16 Possession proceedings for rent arrears are rarely issued against any tenant who has provided the Council with all the evidence to process a housing benefit claim, has a reasonable expectation of eligibility for housing benefit and has paid other sums not covered by housing benefit.
- 8.17 When tenants first miss a rent payment, a standard letter will be sent immediately notifying the tenant of the missed payment. This letter will advise the tenant to seek assistance from their Citizens Advice Bureau or any other relevant agency.
- 8.18 If the debt is not cleared within two weeks a second standard letter will be sent to the tenant explaining that if the arrear is not cleared then a Notice of Seeking Possession (NOSP) will be served.
- 8.19 Where there are persistent small amounts of arrears the Housing Management Officer may visit the tenant, request the tenant to visit the office, or telephone.
- 8.20 If the debt is not cleared and, generally, exceeds 4 weeks (net or gross) rent the tenant will be served with a Notice of Seeking Possession (NOSP) under Ground One (Schedule II of the Housing Act 1985) relating to rent arrears and other breaches of tenancy condition as follows;
- “Rent lawfully due from the tenant has not been paid or an obligation of the tenancy has been broken or not performed”.
- 8.21 The Notice must be in a form prescribed by regulations made by the Secretary of State and specify the ground on which the court will be asked to make an order for the possession of the dwelling house, or for the termination of the tenancy.
- 8.22 The NOSP will be served with an accompanying standard letter from the Area Housing Manager stressing the importance of them reading the Notice.

- 8.23 There are exceptional circumstances when the rent arrears process will be held in abeyance, e.g. older tenants, or tenants suffering from serious illness, etc. However, only the Area Housing Manager will exercise this discretion.
- 8.24 Most NOSP's will be served by hand, and the Housing Management Officer will take this opportunity to discuss the arrears with the tenant and attempt to agree an arrangement for the arrears to be settled in full within the 28 day Notice period. Tenants will be advised that if the Council applies to Court, they will incur costs.
- 8.25 The use of distraint will be considered at this stage. Distraint can only be used in cases prior to Court, and where the amount of arrear is relatively small. Distraint cannot be used after the tenancy has ended (i.e. for former tenant debt). All tenants will be given 7 days notice of distraint in writing giving them an opportunity to settle their debt prior to the bailiff being instructed.
- 8.26 If no contact is made at service of the NOSP, the Housing Management Officer will write and request tenants to come into the office at a pre-determined time. If they fail to attend, Housing Management Officers will telephone the tenant during the day to either arrange another appointment to visit or make an agreement to repay the debt by telephone. If contact is still not made then the tenant will be entered on a list for telephone calls out of hours. Every effort will be made to make contact. Should a written agreement be made (after serving the NOSP) to pay current rent plus a reasonable amount towards the arrears, proceedings will be postponed as long as the tenant keeps to the agreement.
- 8.27 Personalised letters will be used when appropriate to ensure that the procedure does not become too regimented, and to ensure cases are managed in accordance with each situation.
- 8.28 In addition to the use of bailiffs, at every opportunity tenants will be visited by Area Housing Managers, Assistant Area Housing Managers, and Housing Management Officers, to explore all possible means of arranging for the debt to be settled.
- 8.29 When the NOSP expires, should the arrear not be cleared or an agreement breached, even once, the Management Officer will write to the tenant advising that if payment is not received in full in 14 days, Court action will commence.
- 8.30 Every effort to secure payment of the arrear, or to make formal written arrangements, will be made throughout the recovery process.
- 8.31 The tenant will be advised of the date and time of any hearing and the order applied for. They will also be advised to attend as their home is at risk. If payment has not been made before the Court hearing and an order is granted, it will be carefully monitored for compliance. Where an order is broken an application to Court for a Warrant of Possession will be made immediately, and authorised by the Area Housing Manager.
- 8.32 The occupier will be sent a standard letter explaining that the case has been referred to Legal Services for eviction.
- 8.33 If a Warrant of Possession is obtained, appropriate arrangements to vacate will be made.
- 8.34 If the eviction is contested by the tenant, the Housing Management Officer will attend Court. If a Stay of Execution is granted, this order will be monitored for any further Breach.

- 8.35 If a further Breach occurs a Warrant of Execution will be applied for immediately.
- 8.36 Evictions will only be cancelled by officers on payment of all arrears and costs paid in cash at either the Civic Offices or the Area Housing Office (South). Building Society Cheques will be accepted.
- 8.37 If an agreement is made at the serving of the NOSP, which continues beyond 12 months, a further NOSP will be served to ensure the tenant continues to be under Notice. A further letter explaining this will be sent to the tenant.
- 8.38 Housing recognises that rent arrears will not be recovered by letter writing alone, officers at all levels will ensure that face to face contact with tenants is maximised through visits and interviews.
- 8.39 All available means will be used to recover arrears including; repossession actions, distress warrants, attachment of earnings, money judgement orders, and garnishee orders.
- 8.40 Area Housing Managers will attend occasional Court User Groups to ensure that the Courts take into account the Council's viewpoint.
- 8.41 In all matters relating to rent arrears, Housing will ensure that confidentiality is observed, and all staff will be discrete when dealing with tenant's problems.

9. Rent Arrears Recovery - Introductory Tenants

- 9.1 On 1 April 2006, the Council introduced an Introductory Tenancy Scheme for all new potentially secure tenants. Under the scheme, all new tenants are not secure until after a twelve-month "trial" period. During the twelve-month period, Introductory Tenants do not have the same statutory rights as secure tenants. Therefore, if the Council wished to seek possession of the property for any breach of a tenancy condition, (e.g. rent arrears) provided certain procedures are followed, the Introductory Tenancy could be terminated, following the issuing of a Notice of Proceedings, with the courts having no discretion but to grant possession provided the Council has followed the correct procedures.
- 9.2 Before the Council applies to the Court for possession, it will give the Introductory Tenant at least two warnings, then serve a Notice of Proceedings setting out the Council's decision to apply for such an order and the date before which the Council cannot apply for a court order, which must be at least four weeks from the date of service.
- 9.3 Introductory Tenants who are served with notice are advised that they may request a review of the decision to seek possession within 14 days of the notice being served. The Council will not proceed with an application for possession until it knows whether the Introductory Tenant intends to exercise their right to review. If a review is requested, the Council will review its decision by way of an Officer Review Panel comprising the Assistant Director of Housing (Operations) and the Area Housing Manager neither of whom would have had any involvement in the original decision to seek possession. The Reviews would be a "paper" review unless the tenant informs the Council that they wish to have an oral hearing.

10 Action Plan

10.1 The following actions (some of which are contained in Section 8 and 9 of this Strategy) will be undertaken in the future by Housing to combat the problem of rent arrears;

Action	Lead Officer	Timescale	Resource Implications
Continue implementing improvements with information technology	Area Housing Managers	On-going	Existing Resources
Exploring the possibility of using more Baliff companies	Area Housing Managers	On-going	Existing Resources
Encouraging more tenants to pay their rent by direct debit	Housing Resources Manager	On-going	Existing Resources
Attend Court User Groups to put forward the Council's viewpoint on arrears cases	Area Housing Managers	On-going	Existing Resources

11. Future Developments

11.1 The following “SWOT” analysis identifies the strengths, weaknesses, opportunities and threats for the areas covered by this Service Strategy:

<p>Strengths</p> <p>Knowledgeable and committed staff Policy and Procedures manual Integrated housing system Compliance with the ISO 9001:2000 Accreditation Customer Service Excellence Award Good relationships with tenants Good tenant consultation framework Two de-centralised Area Housing Offices Comprehensive performance monitoring Revised Tenancy Agreement (2003) Strong preventative measures in place</p>	<p>Weaknesses</p> <p>Staffing resources below the national and County average. Lenient approach of the Courts. Requirements of the rent arrears protocol delays the recovery process thereby increasing arrears</p>
<p>Opportunities</p>	<p>Threats</p>

12. Resourcing the Strategy

12.1 For housing management purposes the Epping Forest District is split into two areas, with one Area Housing Office based at The Broadway, Loughton in the south of the district and the other based at the Civic Offices, Epping.

12.2 The number of staff involved in covering all housing management duties in 2009/2010 are 16 full-time equivalent. Area Housing Managers are based at each of the Area Housing Offices. Each of the Area Housing Offices has as an Assistant Manager, which includes the Limes Farm Estate Office, Chigwell.

12.3 All staff are included in the Performance Development Review process, whereby they have an annual interview to assess their own performance including a six-monthly update on progress. All new staff receives induction training and has access to a mentor. Recent training received by staff, which relates to this Strategy, is as follows:

- Court Skills Training
- Training as part of the Two-Monthly Section Meetings
- IT Training
- Staff Briefings on Various Matters
- Data Protection Training
- Recruitment and Selection Training for Managers
- Staff Development Review Training for Managers
- Managing Sickness Absence Training for Managers
- Health and Safety Training

12.4 The projection for the number of staff required to deliver the strategy over this year and the following 3 years is detailed in the following table:

Staff Resource Projections				
Posts	2009/2010	2010/11	2011/12	2012/13
Housing Management Staff	16	16	16	16

12.5 The following table details the estimated proportion of Housing Management, and other officers time, spent on arrears recovery for 2009/2010:

Staff Resources Breakdown	
Posts	FTE
Director of Housing	0.025
Assistant Director of Housing (Operations)	0.1
Area Housing Managers x 2	0.6
Assistant Area Housing Managers x 3	1.5
Housing Management Officers x 7.5	3.75
Housing Assistants x 3 FTE	0.3
Housing Client Manager	0.025
Total	6.3 FTE

13 Key Targets & Performance Monitoring

13.1 The performance for rent arrears recovery for 2009/2010 together with the proposed key targets for the following three years is detailed in the table below:

Key Targets & Performance				
Performance Indicator	2009/10	2010/11	2011/12	2012/13
	(Actual)	(Target)	(Target)	(Target)
Rent arrears as a percentage of the annual debit	1.51	1.50	1.50	1.50
Amount of former tenant arrears collected per annum	£59,000	£60,000	£60,000	£60,000

14. Reviewing the Strategy

14.1 The Strategy for Rent Arrears will be reviewed by the Housing Scrutiny Panel in consultation with the Eppng Forest Tenants and Leaseholders Federation in February 2014.



Report to the Housing Scrutiny Panel

Date of meeting: 27 January 2011

SCRUTINY

Portfolio: Housing – Councillor D Stallan



Epping Forest District Council

Subject: Review of Parking Enforcement Measures on Housing Estates

Responsible Officer: Roger Wilson (01992–564419).

Democratic Services Officer: Mark Jenkins (01992–564067).

Recommendations:

- 1. That as part of its Work Programme, the Housing Scrutiny Panel reviews the approach to parking enforcement on housing estates, and makes any recommendations to the Housing Portfolio Holder; and**
- 2. That the existing policy of carrying out parking enforcement measures on an ad hoc basis on housing-owned land continues indefinitely.**

Report:

1. At its meeting on 23 March 2009, the Housing Scrutiny Panel considered a report on options to resolve the increasing problems with parking and increased congestion on housing estates. The Panel agreed that parking enforcement measures be carried out on housing estates on an ad hoc basis. The Panel further agreed that the position is reviewed in January 2011 as part of its Work Programme, hence the need for this report.

2. In order to ease parking problems on housing estates, at an earlier meeting the Housing Portfolio Holder and the Panel agreed that the following recommendations be made to the Cabinet.

- That the maximum amount of grassed verge to be removed in order to construct a vehicular crossover to allow residents to park their vehicle/s in their front garden be increased from 6 metres to 12 metres in length; and
- That the additional £300,000 budget available in the Housing Revenue Account (HRA) Capital Programme from 2009/2010 be made available to fund further off-street parking schemes and be match funded from the General Fund.

3. At its meeting on 1 September 2008 (Minute 60 refers), the Cabinet agreed both of the above recommendations. However, on the recommendation of the Housing Portfolio Holder, it was further agreed that, for any proposed crossover in excess of 6 metres, a consultation exercise involving local residents and Ward Members be undertaken prior to approval and construction.

Parking enforcement on Housing Estates

4. On 23 March 2009, the Housing Scrutiny Panel considered a report on the increase in complaints from the public about unauthorised parking; these include increased telephone calls, letters and occasionally petitions.

5. The complaints were about two main issues. Firstly, residents were unhappy that more vehicles were being parked on grass verges causing damage to the open green spaces, which are costly to repair and can be dangerous to pedestrians and children playing. When, in response, enforcement action is taken by the Council, in the form of installing bollards, jockey rails or shrub planting, other residents complain about having nowhere to park, with cars being displaced into already heavily congested side streets.

6. In addition to receiving complaints from the public, officers were receiving enquiries from Members. Some Members were asking that enforcement action be taken to prevent vehicles from parking on the grassed verges, with other Members asking officers not to take action as it will displace vehicles and cause problems in side streets.

7. The Housing Scrutiny Panel asked officers in 2009 to draft a policy on the approach to be taken on unauthorised parking on housing-owned land. The draft policy was considered by the Panel and its comments were incorporated. However, at that time, the Housing Portfolio Holder, the (officer) Corporate Executive Forum and both Area Housing Managers had concerns that the proposed policy may be difficult to enforce and therefore it was considered not to be an option.

8. The Tenants and Leaseholder's Federation were also consulted and agreed by a majority of 5 in favour and 2 against (at that time) that unauthorised parking on housing-owned grass verges should generally not be permitted across the District.

9. The Housing Portfolio Holder requested that other councils be contacted and asked about their policies. A summary of the responses given at that time is attached as an appendix to the report.

10. In addition to the proposal of a parking enforcement policy, the Panel considered the following three options:

Option One – Unauthorised parking is fully enforced

11. If all unauthorised parking on estates was fully enforced, a programme of works could be undertaken on housing-owned grass verges, either installing jockey rails, bollards or the planting of shrubs, which would be costly. Although this would solve the problems of damage being caused to the grassed areas, due to the large numbers of vehicles being parked on grass verges, this would cause further congestion in side streets.

Option Two – Postponement of parking enforcement in identified priority areas

12. Any parking enforcement could be postponed in identified priority areas, where off-street parking schemes have been agreed, until the schemes have been constructed, or residents have had the opportunity to construct a new vehicular crossover (particularly under the new 12 metre rule). However, Members would need to consider the action to be taken in areas which are of less priority.

Option Three – Carry out enforcement measures on an ad hoc basis

13. Carrying out enforcement measures on an ad hoc basis is the current practice of housing management. Jockey rails or shrubs are installed at sites where the problem is particularly bad and the most complaints are received following a local consultation exercise. If this option was continued, all Ward Members are consulted prior to any enforcement measures being undertaken.

14. The Panel agreed in March 2009, that accordance with Option Three, enforcement measures be undertaken on an ad hoc basis where problems are particularly bad, following consultation with local residents and Ward Members.

Parking issues since March 2009

Off-street parking schemes

15. The current position regarding off-street parking is set out as an appendix to the report. Table 1 shows those schemes which have been given high priority by the Cabinet. Those at Colebrook Lane, Loughton (24 bays) School Lane Abbess Roding (9 bays) and Hillcroft Loughton (38 bays) have very recently received Planning approval and are likely to be completed by the end of the 2011 calendar year. Whereas, Chester Close, Harvey Gardens and Audley Gardens all in Loughton, are currently being designed and should be completed by April 2012. The available funding for schemes in Table 2 will not be known until the Tenders for schemes in Table 1 are evaluated. As the Tenders are due in towards the end of January the Panel will be updated on the latest position at the meeting.

Parking enforcement

16. Following consultation exercises, enforcement measures have been undertaken in two areas across the District being Valley Hill Close, Loughton and Shelly Close, Ongar. Although no Step One complaints have been received (and enquiries from Members have reduced), concerns continue to be raised about areas around the Debden Underground station in Loughton, due to commuters parking on grass verges in order to avoid parking charges. Consideration is being given to undertaking a consultation exercise on enforcement measures in Torrington Drive, Loughton to stop commuters parking on the grass verge opposite the flats.

17. Members may also be interested to know that during the period there have been 6 appeals against refusals of permission for vehicular crossovers one of which was upheld.

18. It is suggested that the existing policy of carrying out parking enforcement measures on an ad hoc basis on housing-owned land continues.

Consultation

19. The Tenants and Leaseholders Federation were consulted on the report at their meeting on 12 January 2011 and agreed the recommendations.

APPENDIX

Summary of responses on the approach taken by other Council's on parking enforcement received in March 2009.

Authority	Response
Harlow District Council	Do experience problems with parking on estate greens. Ad hoc approach taken some letters sent some vehicles stickered and jockey rails installed at some locations. No formal policy.
Brentwood Borough Council	Same approach as Harlow District Council.
Uttlesford District Council	Same approach as Harlow although no parking signs are installed and off street parking schemes have been constructed. They have a Corporate enforcement team who take action against residents who illegally park. No formal policy.
Welwyn and Hatfield District Council	Bollards and jockey rails are installed at some locations and they have a bye law which prohibits parking on Council land which is difficult to enforce. No formal policy.
Stevenage Borough Council	Have a parking strategy being trialed across half the Borough including a local traffic order prohibiting parking on Council greens which is enforced by parking attendants. Where there are major parking problems parking schemes are being constructed prior to traffic orders being put in place.

OFF STREET PARKING RATING TABLE

Q1 -	Percentage of council tenants.
Q2 -	Lack of off street parking
Q3 -	Consultation undertaken with residents
Q4 -	Complaints by members of the public
Q5 -	Road width
Q6 -	Verge/footway damage
Q7 -	Accident risk to pedestrians/drivers
Q8 -	Special parking requirements

Table 1												
This table includes all off-street parking schemes that originally featured as the highest ranked sites under the previous procedure operated by the Highways Section. These schemes have been reassessed using the new assessment procedure by the Housing Assets Section, and includes the results from the consultation exercise carried out with local residents.												
Location:	Area:	Status:	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Total Score	Position
Chester Close	Loughton	Approved	1	5	33	0	6	5	2	1	53	2
Colebrook Gardens	Loughton	Approved	2	3	33	0	6	5	3	0	52	3
School Lane	Abbess Roding	Approved	8	4	38	0	2	1	2	0	55	1
Harvey Gardens	Loughton	Approved	3	5	31	1	5	3	0	0	48	4
Audley Garden	Loughton	Approved	1	5	24	0	6	1	2	1	40	5
Hillcroft	Loughton	Approved	4	5	25	0	4	0	1	0	39	6

Table 2												
This table includes schemes that originally featured on the list for possible off-street parking under the previous procedure operated by the Highways Section, but ranked lower than those in table 1 above. These schemes have been reassessed using the new assessment procedure by the Housing Assets Section, and subject to budget availability and the outcome of a more detailed feasibility study, these schemes will follow those in table 1.												
Location:	Area:	Status:	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Total Score	
Barfields Gardens	Loughton	Surveyed	5	4		1	5	1	2	1	19	
Colson Path	Loughton	Surveyed	3	4		0	5	3	0	1	16	
Greenfields	Loughton	Surveyed	1	5		0	5	0	0	1	12	
Hanson Close	Loughton	Surveyed	3	5		0	3	0	0	0	11	
Graylands	Theydon Bois	Surveyed	2	3		0	3	3	0	0	11	
Borders Lane	Loughton	Surveyed	3	3		0	1	3	0	1	11	
Stewards Green Road	Epping	Surveyed	5	2		0	3	0	0	0	10	
The Croft	Loughton	Surveyed	3	3		0	3	0	0	0	9	
Coopers Close	Chigwell	Surveyed	2	2		0	3	1	0	0	8	

Table 3												
This table includes schemes that either originally featured on the list for possible off-street parking under the previous procedure operated by the Highways Section or have been added more recently. These schemes have yet to be assessed under the new assessment procedure by the Housing Assets Section. It is anticipated that these will be assessed by April 2010, and will be prioritised and reported to members accordingly. The locations are listed alphabetically.												
Location Area to be Assessed.:	Area:	Status:	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Total Score	Revised Score
Avenue Road	Theydon Bois	Surveyed	7	5	No	1	4	0	0	1	18	
Alderwood Close	Abridge	Surveyed	8	5	No	0	4	0	0	0	17	
Badburgham Court	Waltham Abbey	Surveyed	5	5	No	0	4	0	2	1	17	
Ladyfields Close	Loughton	Surveyed	3	5	No	0	5	3	0	1	17	
Fullers Close	Waltham Abbey	Surveyed	8	5	No	0	3	0	0	0	16	
Tillingham Court	Waltham Abbey	Surveyed	7	5	No	0	3	1	0	0	16	
Woodford Court	Waltham Abbey	Surveyed	7	5	No	0	3	1	0	0	16	
Grosvenor Close	Loughton	Surveyed	3	5	No	0	5	1	2	0	16	
Gravel Close	Chigwell Row	Surveyed	5	3	No	0	5	1	0	0	14	
Queens Road	North Weald	Surveyed	5	5	No	0	4	0	0	0	14	
St Peters Avenue	Ongar	Surveyed	8	4	No	0	2	0	0	0	14	
Paley Gardens	Loughton	Surveyed	4	4	No	0	4	1	0	0	13	
Stanway Road	Waltham Abbey	Surveyed		5	No	0	3	5	0	0	13	
Park Square	Chigwell Row	Surveyed	2	5	No	0	3	0	2	1	13	
Millfield	Ongar	Surveyed	3	5	No	0	5	0	0	0	13	
Millhoo Court	Waltham Abbey	Surveyed	3	5	No	0	4	1	0	0	13	
Princessfield Road	Waltham Abbey	Surveyed	4	4	No	0	5	0	0	0	13	
Foxley Close	Loughton	Surveyed	2	5	No	0	5	0	0	0	12	
Sudicamps Court	Waltham Abbey	Surveyed	4	5	No	0	1	1	0	0	11	

Buxton Road	Waltham Abbey	Surveyed	4	3	No	0	3	1	0	0	11
Pyrls Lane	Loughton	Surveyed	2	4	No	0	2	3			11
Blackmore Court	Waltham Abbey	Surveyed	2	5	No	0	3	0	0	0	10
Bromefield Court	Waltham Abbey	Surveyed	1	5	No	0	3	1	0	0	10
Shrublands close	Chigwell	Surveyed	0	5	No	0	5	0	0	0	10
Theydon Court	Waltham Abbey	Surveyed	2	5	No	0	3	0	0	0	10
Coles Green	Loughton	Surveyed	0	5	No	0	4	1	0	0	10
Plumstree Mead	Loughton	Surveyed	3	4	No	0	2	0	0	0	9
Skarning Court	Waltham Abbey	Surveyed	3	5	No	0	1	0	0	0	9
Barnmead, Toot Hill	Toot Hill	Surveyed	2	5	No	0	1	0	0	0	8
Wrangley Court	Waltham Abbey	Surveyed		5	No	0	3	0	0	0	8
Bridge Hill	Epping	Surveyed	2	2	No	0	2	1	0	0	7
Winters Way	Waltham Abbey	Surveyed	3	0	No	0	0	0	0	0	3
Green Glades	Theydon Bois	No			No						0
Caterham Court	Waltham Abbey	New Area									
Sycamore House	Buckhurst Hill	New Area									
Blackmore Road	Buckhurst Hill	New Area									
Pardon House	Buckhurst Hill	New Area									
Roxwell House	Buckhurst Hill	New Area									
Newmans Lane	Loughton	New Area									
Wormyngford Court	Waltham Abbey	New Area									

Table 4

This table includes schemes that have been omitted from the programme due to any combination of reasons including, not suitable for off-street parking, already having spaces installed in the past, there being no Council tenants, residents have rejected off-street parking in the past or there is no longer a need.

Location:	Area:	Status:	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Total Score
The Gladway	Waltham Abbey	*On-hold	10	5		0	5	3	2	1	26
Ivy Chimineys	Epping	Surveyed	6	5		0	2	3	2	1	19
Hanson Drive	Loughton	*On-hold	4	4		0	5	1	3	1	18
Homecroft Gardens	Loughton	*On-hold	6	4		0	4	0	2	1	17
Mowbrey Gardens	Loughton	*On-hold	4	5		0	4	0	2	1	16
Chestnuts	Willingale	*On-hold	5	5		1	3	0	0	1	15
Elm Close	Epping Green	*On-hold	5	4		1	3	0	0	0	13
Queensway	Ongar	*On-hold									0
Monkswood Avenue	Waltham Abbey	*On-hold									0
Lodge Lane	Waltham Abbey	*On-hold									0
Prescott Green	Loughton	*On-hold									0
Barncroft Green	Loughton	*On-hold									0
Grosvenor Drive	Loughton	*On-hold									0
Harold Crescent	Waltham Abbey	*On-hold	3	4	No	0	5	5	1	0	18
Ruskin Avenue	Waltham Abbey	*On-hold									0
Broomstick Hall Road	Waltham Abbey	*On-hold									0

Fairfield Road	Epping				No						0
Walton Gardens	Waltham Abbey				No						0
Brooker Road	Waltham Abbey	Surveyed			No						0

Key

	Still waiting for data
	No council tenants